

IN ACCORDANCE WITH THE APPROVED PLAN. ANY REGRADING SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING RULES:

(1) IF A SPOIL BANK IS CREATED, GRADE THE SURFACE OF THE SPOIL BANK TO REDUCE THE DEPRESSIONS BETWEEN THE PEAKS OF THE SPOIL TO A SURFACE WHICH RESTORES THE TERRAIN AS CLOSE TO NORMAL AS IS SATISFACTORY TO THE DIRECTOR. THE GRADING SHALL BE DONE IN A WAY TO MINIMIZE EROSION DUE TO RAINFALL AND ALSO ELIMINATE STEEP GRADES BETWEEN PEAKS AND MAKE THE SURFACE MORE SUITABLE FOR TREE GROWING, LOGGING OPERATIONS, CATTLE GRAZING, OR ANY OTHER SUITABLE USE. THE GRADING SHALL BE DONE IN A MANNER TO MINIMIZE, AS FAR AS FEASIBLE, THE PRESENCE OF ANY LARGE ROCK OR MATERIAL TOXIC TO PLANT LIFE ON THE SURFACE OF THE GRADED AREA; AND

(2) IF THE OVERBURDEN DEPOSIT IS COMPOSED OF MATERIAL SUITABLE FOR THE SUPPORT OF TREE GROWTH, THE GROWTH OF GRASS OR OTHER RECLAMATION VEGETATION, OR IF THIS MATERIAL CAN BE EXPECTED TO BECOME SUITABLE BY ANY NATURAL LEACHING AND WEATHERING PROCESS, THE OVERBURDEN MATERIAL SHALL BE GRADED TO COVER THE FINAL PIT. THE OPERATOR SHALL TAKE STEPS TO ASSURE THAT OVERBURDEN MATERIAL FOR GRADING REQUIRED BY PARAGRAPHS (1) AND (2) IS NOT LOST OR MADE UNAVAILABLE.

REVISOR'S NOTE: This subsection presently appears as Article 66C, section 665(b) of the Code. In subsection (b)(1) the word "cutting" is proposed for deletion and "growing" is substituted therefor to better express the intent of the statute. The only other changes made are in style.

(C) SPOIL DEPOSIT ON HILLSIDE.--IF THE OUTSIDE SPOIL DEPOSIT IS MADE ON A STEEP HILLSIDE, ANY ROCK THAT HAS ROLLED DOWN INTO A CLEARED VALLEY SHALL BE REMOVED AND PLACED IN A SUITABLE LOCATION.

REVISOR'S NOTE: This subsection presently appears as Article 66C, section 665(c) of the Code. The only changes made are in style.

(D) SEALING OFF OPENINGS.--THE OPERATOR SHALL SEAL OFF WITH A FILL EACH OPENING FROM AN UNDERGROUND MINING OPERATION AT THE BASE OF THE FINAL CUT. IT SHALL BE DONE IN A WAY TO AVOID CREATING DANGER FROM IMPOUNDMENT OF ANY LARGE QUANTITY OF WATER.